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No. 71-187

In the Supreme Court of the United States

OCTOBER TERM, 1971

MAURICE W. STEVENSON, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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After a second jury trial in the United States District Court for the Northern District of Illinois, petitioner was convicted of having unlawfully sold and received heroin in violation of 26 U.S.C. (1964 ed.) 4705(a) and 21 U.S.C. (1964 ed.) 174. He was sentenced to concurrent prison terms of five years. The court of appeals affirmed (Pet. App.).

Petitioner contends that reversible error occurred during this trial because the judge permitted the government to reopen its case-in-chief to call a government informer as a witness, the judge wrongfully commented on the evidence, and the prosecutor improperly cross-examined petitioner. These contentions

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are answered in the court of appeals' thorough opinion, on which we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

SEPTEMBER 1971.

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